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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,972	11/19/2003	David L. Allen	TEL 001 P2 CI-5	7572
34232	7590	11/07/2005	EXAMINER	
MATTHEW R. JENKINS, ESQ. 2310 FAR HILLS BUILDING DAYTON, OH 45419			CHAN, WING F	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,972

Applicant(s)

ALLEN ET AL.

Examiner

Wing F. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-55, 57-73 and 75-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-55, 57-73, 75-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This office action is responsive to the amendment filed 8/26/05. The amendment canceled claims 56, 74.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 60, 61, 76-78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 60, 61 are vague and indefinite for depending on canceled claim 56.

Claims 76-78 are vague and indefinite for depending on canceled claim 74.

4. For the purpose of applying art claims 60, 61 are presumed to depend from claim 49, claims 76-77 are presumed to depend from claim 67.

5. Claims 49-55, 57-64, 82-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields (US PAT. NO. 4,440,724) in view of Baloga et al (US PAT. NO. 5,282,341 hereinafter Baloga) and Judd et al (US PAT. NO. 4,890,314 hereinafter Judd).

Regarding claims 49, 51, 52, 64, 82-86, Fields discloses a system and method for providing a conference suite in a room, comprising providing a plurality of walls (e.g. see Fig. 12), at least one of these walls having a display associated therewith,

assembling the walls within the room, and situating audio-visual components in the suite so that a video conference may be conducted. Note Fields Figs. 11, 12, col. 111 lines 7 to col. 12 line 53 for example. Fields further in col. 11 lines 56-58 discloses "wall 264 having a plurality of angularly related panels 266, 268, 270, 272, and 274 which are connected by pleasing arcuate corners", emphasis added by the Examiner.

Fields differs from the claimed invention in not explicitly disclosing the connected walls are of modular component construction, and that the displayed image is a substantially life-size image of at least one remote person situated at a remote location.

Although Fields does not explicitly disclose there is more than one person at the conference suite during a conference, however it is notoriously old and well known common knowledge that a conference can be between more than one person at each location, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognized that Fields' conference suite can also accommodate more than one person, i.e. plural persons can be located within the same suite during a conference without departing from the principles and scope of Fields' teachings.

It is common knowledge that conventional built-in conference rooms are typically expensive to build and maintain, and are usually inefficient in its use of space, and the users are seldom close to the conference room, for example see Baloga col. 1 lines 56 to col. 2 line 2. Baloga discloses using mobile, modular units to provide for private and conference activities to overcome the aforementioned problems associated with conventional conference rooms, for

example see Baloga col. 4 lines 14-68; col. 14 lines 30-65. Thus, it would have been obvious, if not inherent in Fields to have a modular construction conference room, to one of ordinary skill in the art at the time the invention was made to modify the connected walls in Fields to be modular in construction in order to connect the walls together to form the conference suite and to overcome various (i.e. expensive to build and maintain, and are usually inefficient in its use of space, and the users are seldom close to the conference room to use it) associated conventional conference room suites.

Fields as modified by Baloga as discussed above differs from the claimed invention in not disclosing the displayed image is a substantially life-size image of at least one remote person situated at a remote location. However, it is old and well known in the art for conference systems to comprise a large display means to provide a substantially life-size image of at least one remote person situated at a remote location to enhance the conference face to face environment, for example see Judd col. 4 lines 28-46, Fig. 1. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display means in Fields as modified by Baloga to comprise a large display means to provide a substantially life-size image of at least one remote person situated at a remote location to enhance the conference face to face environment as is old and well known in the art.

As to claim 50, to provide decorations to the conference suite with a plurality of furnishings would have been expedient obvious to one of ordinary skill in the art at the time the invention was made since furnishings such as chairs, pictures, tables, etc. are

conventionally provided within a conference room suite as decorations in addition to their normal functions.

As to claim 53, to use the recited well known construction materials to fabricate the walls would have been obvious to one of ordinary skill in the art at the time the invention was made since these recited materials are all well known construction materials and to use these well known construction material would not have provided any inventive steps.

As to claims 54, 55, the particular dimensions of the conference suite are deemed obvious design choice based on the needs or resources of the space available to the participants, company, etc., since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

As to claim 57, although Fields in Fig. 12 did not show a ceiling, however it is common knowledge for a room, suite to comprise a ceiling to afford the occupants privacy, thus, it would have been obvious, if not inherent in Fields, to one of ordinary skill in the art at the time the invention was made to provide a ceiling in the suite Fields as modified by Baloga. Furthermore, to further provide a dropped or sunken ceiling would have been further obvious to one of ordinary skill in the art at the time the invention was made since it is more aesthetically pleasing than a flat ceiling, and those other well known ceiling alternatives used during construction. Additionally, it is deemed an obvious design choice based on the likings, preferences of the users.

As to claims 58, 59, note that the walls as shown in Fields Fig. 12 are non-rectangular polygonal shapes. Furthermore, the shape of the suite or room is not deemed patentable; a change in shape of the room would have been obvious to one having ordinary skill in the art at the time the invention was made, since a mere change in shape or form involves only routine skill in the art. In re Dailey, 149 USPQ 47 (CCPA 1976).

As to claim 60, a change in size of the walls are not patentable, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

As to claim 61, see the walls in Fig. 12.

As to claim 62-63, to situate the participants at a predetermined distance of about 5 feet 6 inches from the walls would have been obvious to one of ordinary skill in the art at the time the invention was made to ensure a clear image is pickup by the camera and viewing of the display screen, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

As to claim 87, even though Fields in Fig. 12 did not show a ceiling, however it is common knowledge for a room, suite to comprise a ceiling to afford the occupants privacy, thus, it would have been obvious, if not inherent in Fields, to one of ordinary skill in the art at the time the invention was made to provide a ceiling in the suite Fields as modified by Baloga.

6. Claims 65-73, 75-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields as modified by Baloga and Judd as applied to claim 49 above, and further in view of Nitta.

As to claims 66, 67, Nitta teaches the conference system is used for education, business, etc. and that the conference environment further includes that of simulated classrooms. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the conference suite in Fields as modified by Baloga and Judd to comprise a classroom, business setting, education/seminar setting, etc. as such settings would still provide the same conference function without departing from the scope of Fields' teachings thereof.

As to claim 65, to provide decorations to the conference suite with a plurality of furnishings would have been obvious to one of ordinary skill in the art at the time the invention was made since chairs, tables, pictures, etc. are conventionally provided within a conference room suite as decorations. Also Nitta teaches that the conference environment can take on various settings, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the conference suite in Fields as modified by Baloga and Judd to comprise a pillar decoration, wall decoration to enhance/add to the ambiance or look or feel of the conference suite. Furthermore, decorations of a room are deemed an obvious design choice based on the decorative taste, likings of the user.

As to claims 68-70, to provide decorations to the conference suite with a plurality of furnishings is deemed obvious since chairs, tables, pictures, etc. are conventionally provide within a conference suite as decorations in addition to their normal functions.

As to claim 71, to use the recited well known construction materials to fabricate the walls would have been obvious to one of ordinary skill in the art at the time the invention was made since these recited materials are all well known construction materials and to use these well known construction material would not have provided any inventive steps.

As to claims 72, 73, the particular dimensions of the conference suite are deemed obvious design choice based on the needs or resources of the space available to the participants, company, etc., since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

As to claim 75, although Fields in Fig. 12 did not show a ceiling, however it is common knowledge for a room, suite to comprise a ceiling to afford the occupants privacy, thus, it would have been obvious, if not inherent in Fields, to one of ordinary skill in the art at the time the invention was made to provide a ceiling in the suite Fields as modified by Baloga. Furthermore, to further provide a dropped or sunken ceiling would have been further obvious to one of ordinary skill in the art at the time the invention was made since it is more aesthetically pleasing than a flat ceiling, and those other well known ceiling alternatives used during construction. Additionally, it is deemed an obvious design choice based on the likings, preferences of the users.

As to claims 76, 77, note that the walls as shown in Fields Fig. 12 are non-rectangular polygonal shapes. Furthermore, the shape of the suite or room is not deemed patentable; a change in shape of the room would have been obvious to one having ordinary skill in the art at the time the invention was made, since a mere change in shape or form involves only routine skill in the art. In re Dailey, 149 USPQ 47 (CCPA 1976).

As to claim 78, a change in size of the walls are not patentable, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

As to claim 79, see the walls in Fig. 12.

As to claim 80-81, to situate the participants at a predetermined distance of about 5 feet 6 inches from the walls would have been obvious to one of ordinary skill in the art at the time the invention was made to ensure a clear image is pickup by the camera and viewing of the display screen, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicants should take note that US PATS. 5,394,198, 5,400,069, 5,394,198 and JP references 05-022722, 05-068246 all teaches displaying life-size images in a conference.

8. Applicant's arguments with respect to claims 49-55, 57-73, 75-87 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's remarks attack the references individually in a 103 rejection is improper since applicant cannot show non-obviousness by attacking the references individually where, as the rejections are based on combination of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). It is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin, 170 USPQ 209 (CCPA 1971); In re Young, 159 USPQ 725 (CCPA 1968).

Fields clearly disclosed the walls are connected in some manner, Judd is relied to show that it is old and well known in the art to provide life-size images and Baloga is relied upon to show why it would have been obvious to make the conference suite through modular construction, there the combination as whole as set forth in the above rejections are proper and stand.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Wing F. Chan', is positioned above the printed name and title.

Wing F. Chan
Primary Examiner
Art Unit 2643

9/30/05